

REMARKS/ARGUMENTS

Claims 9-14 are pending herein. Claims 1-8 have been cancelled without prejudice or disclaimer. Support for the new claims is found on pages 9-14 of the Substitute Specification filed June 22, 2005.

The rejection of claims 1-7 under §102(b) as anticipated by Aucoin et al., if applied to the new claims, is respectfully traversed.

The new claims specify an ophthalmological composition comprising the designated peptide and at least one member of the recited group of materials listed in the specification for use in compositions having the use of the present invention.

The instant claims are directed to ophthalmological compositions that can be used directly for treatment of afflictions in the eye. In contrast, Aucoin et al. describes the use of peptides as attaching members to polydimethylsiloxane which can be used in treatment of ophthalmological afflictions, but there is no contemplation or suggestion in the reference that the peptide, more particularly PHSRN, can or should be used standing alone in such treatment. Accordingly, the invention as claimed is clearly patentable over the reference and all claims should be allowed.

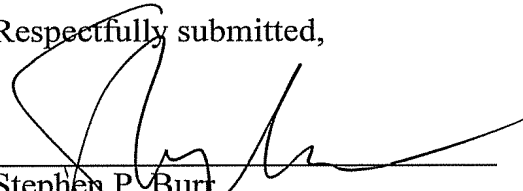
If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

January 15, 2009

Date

Respectfully submitted,



Stephen P. Burr
Reg. No. 32,970

SPB/CW/tlp

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320